

REMARKS

Claims 1-31, 33-36, and 38-72 are pending in the application and stand rejected.

Rejection under 35 U.S.C §102

Claims 1-4, 8, 10-19, 21, 31, 33-36, 38, 44-50, and 52-72 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,373,389 to Przygoda. In particular, the Examiner finds that, with regard to the independent claims 1, 15, 21, 31, 33, 44, 52 and 53, Przygoda discloses all of the claimed limitations. Applicants have reviewed the reference with care, paying particular attention to the passages cited, and are compelled to respectfully disagree with the Examiner's characterization of this reference. Claims 1 and 15 are directed to methods of locating a missing item that is capable of communicating its presence to a piconet telecommunications device, wherein the method entails certain actions to be undertaken by several such piconet telecommunications devices. Claim 44 is directed to a method of tracking piconet-capable articles with a piconet device. Claims 21, 31, 33, 52 and 53 are directed to piconet devices, piconets, or programs for controlling piconet devices. Contrary to the Examiner's assertion, the system disclosed by Przygoda is not a piconet, does not operate in the manner of a piconet, and does not teach the use of piconet telecommunications devices to form a piconet.

The Examiner understands the wireless connection between devices taught by Przygoda in Fig. 5 and the "zone" described at column 17, lines 41-53, to teach the claimed piconet devices capable operating in a short range piconet. This understanding is in fact not correct. Przygoda teaches a system for tracking identification devices that emit a periodic, short range radio signal that is uniquely encoded. These signals are received by receivers equipped with two antennas to be able to determine the presence of the identification device within its transmission range as well as the direction of travel of the identification device. Whenever a receiver picks up the encoded radio signal of a particular identification device, it provides the identification and direction of travel information of that identification device to a node computer that is connected to a number of such receivers. Whenever the node computer receives new information indicating that a particular identification device has changed location to/from one of its connected receivers,

it passes the updated location information to a controller computer to update a database that keeps track of all identification devices in the system.

It is clearly apparent that the system of Przygoda is completely one-directional, i.e. all information travels in one direction – up the hierarchy of the system. The identification devices are not capable of communicating with a device; they merely emit a repetitive radio signal and are in fact incapable of any kind of reception, unlike a piconet device. Similarly, each receiver is only capable of communicating with its respective node computer, and cannot communicate with any of the identification devices. The node computers in turn simply receive data from the receivers, and cannot communicate with any other entity than the controller computer. The controller computer appears to be the only device capable of true networking, i.e. receiving and transmitting data to another device, as Przygoda describes that multiple controller computers are connected through an Ethernet network with a central server. As the Examiner will appreciate, the system of Przygoda is entirely different from a piconet wherein piconet devices are capable of communicating data to and from every single other device that is part of the piconet. Furthermore, the strict hierarchy of Przygoda's system is entirely different from the ad-hoc nature of piconets, wherein piconet devices become part of the network simply by being brought in the physical neighborhood of the piconet. The identification devices of Przygoda are merely tracked by their radio signal, and are never actually part of any network that bears any kind of resemblance to a piconet within which they communicate with other devices to exchange data therewith.

Applicants fail to appreciate the importance placed by the Examiner on Przygoda's "zones," which merely denote the reception range of each receiver. Applicants further respectfully disagree that the devices of Przygoda can establish which other devices are members of the piconet. The devices that make up the system of Przygoda are always the same – there is a fixed number of identification devices, node computers, controller computers, and servers. The identification devices may change location but they never connect or disconnect from the system in any manner that can be compared to connecting with a network. The identification devices of Przygoda are essentially "dumb" devices that merely emit a periodic radio signal. They are not capable of knowing what other devices, whether identification devices or computers, are part of the system. Indeed, the only devices that are aware of the location of other devices in the system

are the controller computers that maintain the database. There is not one single device in the system of Przygoda that has all the functionality of a piconet device, and that can thus undertake all of the actions enumerated in the claims.

Applicants wish to impress upon the Examiner that an important advantage conferred by the claimed method is that a user can backtrack to the last known location of a missing item, free of any geographical constraints. This freedom is enabled by the ad-hoc nature of piconets, which allow the user to become part of, and thus access the activity logs available on, every piconet encountered as the user moves about. This is a significant benefit that simply cannot be conferred by the system of Przygoda, which is limited to covering a fixed physical area and which will only track identification devices sending a very specific radio signal. This is obviously a restriction that simply does not exist with piconets, which will accept and communicate with any other piconet device.

Thus, in light of the above, Applicants therefore respectfully submit that claims 1, 15, 21, 31, 33, 44, 52 and 53 are in fact patentable over Przygoda and request that the Examiner pass these claims to issue.

Applicants have amended claims 1, 15, 20, 21, and 33 herein to improve clarity. These amendments are made solely for the purpose of clarifying the scope of the claims and assisting the Examiner in identifying the differences between the cited art and the claims. Applicants expressly note that therefore these amendments are not made for purposes related to patentability, because the amendments do not alter the scope of the claim, but rather merely clarifies it.

Claims 2-4, 8, 10-14, 16-19, 34-36, 38, 45-50, and 54-72 depend from one of claims 1, 15, 21, 31, 33, 44, 52 or 53. In view of the above discussion, it is submitted that claims 1, 15, 21, 31, 33, 44, 52 or 53 are allowable, and for this reason claims 2-4, 8, 10-14, 16-19, 34-36, 38, 45-50, and 54-72 are also allowable.

Rejection under 35 U.S.C §103

Claims 5-7, 9, 20, 22-30, 39-43 and 51 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Przygoda in view of U.S. Pat. No. 6,300,903 to Richards et al. Claims 5-7, 9,

20, 22-30, and 39-43 depend from one of claims 1, 15, 21, 31, or 33. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claims 1, 15, 21, 31, and 33, Applicants submit that claims 5-7, 9, 20, 22-30, and 39-43 are also non-obvious and allowable. Claim 51 has been discussed above with respect to Przygoda, and Applicants submit that for the reasons enumerated, claim 51 is also non-obvious and allowable.

Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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(Date of Transmission)

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(Name of Person Transmitting)

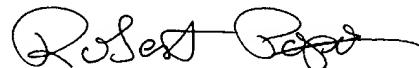


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